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EXAMINER

CHRISTENSEN, SCOTT B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/594,284	Applicant(s) KAWAMOTO ET AL.	
	Examiner Scott Christensen	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 18, 21, 23, 25 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 18, 21, 23, 25 and 27-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 10/07/2008.

Claim Rejections - 35 USC § 103

2. Claims 13, 14, 18, 21, 23, 25, 27, 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Dedrick (U.S. Pat. No. 5,717,923) in view of Lee et al. (U.S. Pat. No. 6,751,459), hereinafter referred to as Lee.
3. Regarding claim 13, Dedrick teaches about a user information processing system comprising (Fig 1) (Col 2, lines 60-65): a terminal unit "client system-personal computer" for use by a user adapted for accumulating use of said terminal unit by said user and the profile information of said user "client activities monitoring", wherein said profile information includes identifying Information about said terminal unit (Col 5, lines 20-40) (Col 5, lines 50-60); (The session manager has to know the identity of the terminal (IP source address) in order to setup a session between the terminal and server). said server "metering server" server accessible by said terminal unit adapted for producing said profile information; (Col 9, lines 25-35); and storing means "personal profile database 27" detachably provided in said terminal unit for storing said profile information so that when the user uses a terminal unit, the terminal unit accesses the user profile information from the storing means to obtain information peculiar to the particular user using the terminal, but does not explicitly teach that the user and profile information is collected based on the terminal use information or that the storing means includes user schedule data. Dedrick teaches about the possibility of using different

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client systems (Terminal unit) (Col 3, lines 1-10) in which each transaction is stored for billing purpose.

However, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Col 14, lines 33-42). Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storing means stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

Lee teaches about the potential for the internet and the problem caused when one user is allowed to access more than one terminal (Col 1, line 60- Col 2, line 20). Lee teaches the solution of using terminal use information (Col 2, line 60-Col 3, line 15). It would have been obvious at the time of the invention for some one of ordinary skill to improve on the billing process of Dedrick by using Lee invention which provide the means for better transaction recording in a growing complex technology like the internet.

4. Regarding claim 14, Dedrick combined with Lee, teaches about a terminal unit comprising: use record information writing means for writing use record information

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used by the user (Col 5, lines 50-65); storing means detachable provided in said terminal unit for storing profile information of said user so that when the user uses a terminal unit, the terminal unit accesses the user profile information from the storing means to obtain information peculiar to the particular user using the terminal unit, the storing means; transmitting means "session manager" for transmitting said use record information "personal profile" accumulated in storing means "personal profile database 27" to profile information generating means remote from the terminal unit for every prescribed timing (Dedrick Col 5, lines 20-35) (Dedrick Col 6, lines 5-15) (Dedrick Col 9, lines 25-35); profile information writing means for receiving the profile information of said user based on said use record information which is transmitted from said profile information generating means and writing said received profile information in said storing means "personal profile database 30", wherein at least one of said use record information and said profile information includes identifying information for said terminal unit (Dedrick Col 9, lines 25-40); and (Transaction requires known the identities of the terminal and the server). selecting means for selecting provided information corresponding to said profile information written in said storing means from among provided information transmitted from prescribed information providing means (Dedrick Col 6, line 65- Col 7, line 10) (Dedrick Col 7, lines 55-65). Dedrick does not disclose expressly that that the storing means includes user schedule data.

However, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Col 14, lines 33-42). Accordingly, it would have been obvious to have the

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storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storing means stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

5. Regarding claim 18, Dedrick combined with Lee, teaches about a terminal unit comprising: use record information writing means for writing use record information used by a user in prescribed storing means detachably provided in said terminal unit for storing profile information of said user so that when the user uses a terminal unit, the terminal unit accesses the user profile information from the storing means to obtain information peculiar to the particular user using the terminal. (Dedrick Col 5, lines 20-40) (Covered in claim 13); profile information writing means for writing profile information of said user in said storing means "personal profile database 27", wherein said profile information is generated by a profile information generating means "statistic compilation process 26" remote from the terminal unit on the basis of said use record information accumulated in said storing means, and wherein at least one of said use record information and said profile information includes identifying information for said terminal unit (Dedrick Col 5, lines 20-40); and (The session manager has to know the identity of the terminal (IP source address) in order to setup a session between the terminal and

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server). selecting means for selecting provided information corresponding to said profile information written in said storing means from among provided information transmitted from prescribed information providing means (Dedrick Col 6, line 65- Col 7, line 10) (Dedrick Col 7, lines 55-65). Dedrick does not disclose expressly that that the storing means includes user schedule data.

However, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Col 14, lines 33-42). Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storing means stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

6. Regarding claim 21, Dedrick combined with Lee, teaches about an apparatus for providing information to a terminal unit remote from the apparatus, said apparatus comprising: profile Information generating means for generating profile information of a prescribed user based on the use record information of said terminal unit of said user transmitted from said terminal unit, wherein at least one of said use record information and said profile information includes identifying information for the terminal unit (Dedrick

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Col 5, lines 20-40) (Dedrick Col 9, lines 25-35) (Covered in claim 13); (The session manager has to know the identity of the terminal (IP source address) in order to setup a session between the terminal and server). transmitting means for transmitting said generated profile information to the terminal unit (Dedrick Col 5, lines 20-40); and storing means detachably provided in said the terminal unit for accumulating said use record information and said profile information so that when the user uses a terminal unit, the terminal unit accesses the user profile information from the storing means to obtain information peculiar to the particular user using the terminal. (Dedrick Col 5, lines 20-40). Dedrick does not disclose expressly that that the storing means includes user schedule data.

However, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Col 14, lines 33-42). Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storing means stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

7. Regarding claim 23, Dedrick combined with Lee, teaches about an apparatus for providing information to a terminal unit remote from the apparatus, said apparatus comprising (Fig 1): profile information generating means for generating the profile information of a prescribed user base on use record information of said terminal unit of said user transmitted from said terminal unit wherein at least one of said use record information and said profile information includes identifying information for said terminal unit (Dedrick Col 5, lines 20-40) (Covered in claim 13); and (The session manager has to know the identity of the terminal (e.g. IP source address) in order to setup a session between the terminal and server). storing means for storing said profile information thus generated, wherein said storing means is a storage medium detachably provided in said terminal unit so that when the user uses a terminal unit, the terminal unit accesses the user profile information from the storing means to obtain information peculiar to the particular user using the terminal. (Dedrick Col 5, lines 20-40) (Dedrick Col 5, lines 20-40) (Dedrick Col 6, lines 5-15). Dedrick does not disclose expressly that that the storing means includes user schedule data.

However, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Col 14, lines 33-42). Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with

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regards to the system as a whole. As such, if the storing means stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

8. Regarding claim 25, Dedrick combined with Lee, teaches about an apparatus for providing Information according to claim 23 further comprising: selecting means for selecting information supplied to said user base on the profile Information stored in said storing means (Dedrick Col 6, line 65- Col 7, line 10) (Dedrick Col 7, lines 55-65).

9. Regarding claim 27, Dedrick combined with Lee, teaches about a user information processing system comprising: a terminal unit adapted to accumulate terminal use record Information "client activity" upon use of the terminal unit by a user (Dedrick Col 5, lines 20-40); a storage medium detachably provided in said terminal unit so that when the user uses a terminal unit, the terminal unit accesses the user profile information from the storing means to obtain information peculiar to the particular user using the terminal. (Dedrick Col 5, lines 20-40) a server adapted to generate profile information of the user "personal profile" on the basis of the terminal use record information accumulated by the terminal unit, wherein said terminal unit is adapted to accumulate the profile information generated by said server, and wherein at least one of said use record information and said profile information includes identifying Information for said terminal unit (Dedrick Col 5, lines 20-40). Dedrick does not disclose expressly that that the storing means includes user schedule data.

However, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Col 14, lines 33-42). Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storing means stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

10. Regarding claim 38, the prior art of record teaches the method and system wherein the apparatus is configured for providing information to a plurality of terminal units remote from the apparatus (see Dedrick, column 5, line 20 through column 6, line 3).

11. Regarding claims 34-41, the prior art of record teaches the method and system further comprising a plurality of terminal units adapted to accumulate terminal use record information when used by the user (see Dedrick, column 5, line 20 through column 6, line 3).

12. Regarding claim 42, Dedrick disclosed wherein the profile analysis processing part receiving said use record information and producing said original profile information based on said use record information includes specific information relating to user preference (see column 5, lines 50-59).

Claim Rejections - 35 USC § 103

13. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,717,923), in view of Lee et al. (U.S. Pat. No. 6,751,459), hereinafter referred to as Lee, in further view of what was well known at the time of invention.

14. Dedrick disclosed the method and system substantially as detailed above, with the intention of monitoring and tracking a user's activity on a network (see column 5, lines 34-49). The system was concerned with storing personal data for each user (see column 5, lines 50-59). Similarly, Lee disclosed monitoring a user's activity pattern, including the location of the user, and storing such information in a user profile (see column 18, lines 6-41).

While the prior art discloses various types of data used for tracking a user, the prior art references do not specifically teach using GPS data as claimed.

Examiner takes Official Notice (see MPEP § 2144.03) that the use of GPS data in a computer networking environment was well known in the art at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dedrick and Lee to provide a system for monitoring and storing information about a user's activity, the information including GPS data as claimed. Both Dedrick and Lee were concerned with providing information on a user's activity patterns, and as in Lee, specifically the location of a user. It was well known at the time of invention that GPS data could be used to track the location of a user. Accordingly, one of ordinary skill in the art would have been motivated to consider incorporating the use of GPS data in the prior art combination in order to improve the tracking system suggested and provided a more accurate and detailed set of information about a user.

Response to Arguments

15. Applicant's arguments with respect to claims 13, 14, 18, 21, 23, 25, and 27-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444